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The Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Ligon v. City of New York, No. 12 Civ. 2274 (AT)(HBP)*

Dear Judge Torres:

We represent the plaintiffs in the above-referenced case, which was recently transferred to Your Honor. We write to address the discovery deadline in this matter, which is currently scheduled for November 27, 2013. The plaintiffs understand the Second Circuit's recent mandate that "all proceedings" in the district court are stayed to include a stay of discovery. The plaintiffs respectfully request that, if the Court does not share that view, that it extend the current discovery deadline by 60 days and provide the parties with guidance on the appropriate method of raising discovery disputes. The relevant background information concerning this issue is set forth below.

The plaintiffs in this case allege that the New York City Police Department has a pattern and practice of making unlawful stops, arrests, citations, and searches in conjunction with the "Trespass Affidavit Program" ("TAP"), a program through which landlords of private apartment buildings authorize NYPD officers to conduct patrols inside the buildings. The plaintiffs claim that this pattern and practice violates the Fourth Amendment, the Fair Housing Act, and New York law. On September 24, 2012, the plaintiffs moved for a preliminary injunction solely on the issue of unlawful *Terry* stops made by NYPD officers outside of TAP buildings in the Bronx on suspicion of trespassing inside those buildings. After a seven-day evidentiary hearing, Judge Scheindlin issued an Amended Opinion & Order on February 14, 2013 granting the plaintiffs' motion for a preliminary injunction. On August 12, 2013, Judge Scheindlin issued an order addressing the remedies in this case and in *Floyd v. City of New York*, Case No. 08 Civ. 1034 (AT)(HBP). The defendants appealed.

As the preliminary injunction concerned only one portion of the plaintiffs' claims, the parties continued to conduct discovery on the remaining claims while the appeal was pending.

On August 29, 2013, Judge Scheindlin issued an amended scheduling order requiring that fact discovery be completed by November 27, 2013 and that expert discovery be completed by March 28, 2014. On October 31, 2013, a motions panel for the U.S. Court of Appeals for the Second Circuit issued a mandate ordering the “newly designated District Judge” to “implement th[e] Court’s mandate staying all proceedings and otherwise await further action by the Court of Appeals on the merits of the ongoing appeals.” *See* Corrected Mandate at 3, Nov. 1, 2013 (ECF 157).

Given that the Second Circuit’s mandate purports to stay “all proceedings,” it is the plaintiffs’ understanding that discovery has been stayed. The plaintiffs have acted in accordance with that understanding by, for example, postponing previously scheduled depositions and by refraining from raising discovery disputes with the Court. Counsel for the defendants indicated this week, without explanation, that they do not agree that discovery in this case is stayed.

If Your Honor does not believe that discovery is stayed by the Second Circuit’s mandate, the plaintiffs respectfully request that the Court extend the current discovery deadline by 60 days and provide the parties with guidance on the appropriate method of raising discovery disputes. Such an extension is necessary because the plaintiffs have proceeded on their understanding that discovery is stayed and because they anticipate raising numerous discovery disputes that will require action by the Court.

We appreciate the Court’s attention to this matter.

Sincerely,



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